

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LAURA M. PORTELA,)
Plaintiff)
vs.) C.A. NO. 05-10844 MEL
WAL-MART STORES, INC.,)
Defendant)

13 32 42

**PLAINTIFF'S MOTION TO AMEND COMPLAINT TO
CORRECT MISNOMER OF PARTY
(ASSENTED-TO)**

The plaintiff, Laura M. Portela, hereby moves to amend her Complaint to correct a misnomer of the party defendant, to substitute the correct name of the defendant, and to serve the Amended Complaint on the defendant. A copy of the proposed Amended Complaint is attached hereto at Exhibit 1.

As grounds therefor, the plaintiff states that since filing the original Complaint, she has learned that the correct name of the defendant in this matter should be Wal-Mart Stores East, LP and not Wal-Mart Stores, Inc. Accordingly, the plaintiff seeks to amend the Complaint so that the party will be correctly identified and named. The defendant assents to this motion.

WHEREFORE, the plaintiff respectfully requests that her Motion be ALLOWED, and that she be granted leave to file and serve the Amended Complaint.

Respectfully submitted,
By her Attorneys,

KECHES & MALLEN, P.C.



CHARLOTTE E. GLINKA
BBO # 559117
122 Dean Street
Taunton, MA 02780
(508) 822-2000

Assented to:

The defendant,
By its Attorneys,

CRAIG AND MACAULEY, P.C.

Anna L. Johnson

ANNA L. JOHNSON, ESQUIRE CEG
BBO # 657123
Federal Reserve Plaza
600 Atlantic Avenue
Boston, MA 02210
(617) 367-9500

DATED: August 15, 2005

Mot-AmdCplt

CERTIFICATE OF SERVICE

I, Charlotte E. Glinka, of Keches & Mallen, P.C., counsel for the plaintiff, hereby certify that on this 15th day of August, 2005, I served **Plaintiff's Assented-To Motion to Amend Complaint to Correct Misnomer of Party**, by forwarding copies of same by first-class mail, postage prepaid, to:

Richard E. Quinby, Esquire
Anna L. Johnson, Esquire
CRAIG AND MACAULEY, P.C.
Federal Reserve Plaza
600 Atlantic Avenue
Boston, MA 02210


CHARLOTTE E. GLINKA
dkd

CertSrv1/dkd